

Will the broadcast flag interfere with consumers ability to make copies of DTV content for their personal use, either on personal video recorders or removable media?

I suppose that depends on how the broadcast flag is designed and implemented. I'm frankly skeptical that the industry will refrain from restricting ALL consumer copying of digital materials, since it is in their financial interest to force consumers to pay every time they view or listen to digital content. The industry would love to own exclusively all rights to any written, acted, sung, or otherwise performed (and animated) entertainment, literature, art, and other culture, and to charge with every instance every person who 'consumed' such material, turning the cultural venues of the world (including home equipment) into a giant jukebox that charged with every performance. This is not a world I look forward to inhabiting.

Would the digital flag interfere with consumers ability to send DTV content across networks, such as home digital networks connecting digital set top boxes, digital recorders, digital servers and digital display devices? Again, this depends on how the flag was designed and implemented. I suspect that without specific prohibitions, the industry will develop a technological standard that permits--or even mandates--a digital flag that either inherently interferes with consumers' ability to send DTV content as described or is capable of such interference.

Once again, the FCC must act to prohibit such interference and remain vigilant to prevent such interference from somehow 'creeping' into the specifications of digital flags in the future.

Would the broadcast flag requirement limit consumers ability to use their existing electronic equipment (equipment not built to look for the flag) or make it difficult to use older components with new equipment that is compliant with the broadcast flag standard?

Let's look at the industry's past behavior: digital flags and/or barriers to sequential copies (like the digital tape recording technology), when not prohibited, are usually the "Holy Grail" of the digital equipment manufacturers that also have an interest in software content (like Sony, which owns a considerable amount of audio and video entertainment software, programming, and consumer-targeted recording/playback equipment).

I do not doubt that equipment manufacturers will have any desire, motive, or incentive to make new digital recording equipment backward-compatible with existing recording technology without discontinuing the manufacture and sale of such equipment immediately. They may tolerate a certain amount of such equipment remaining in consumer use only because they haven't figured out a way to legally repossess such equipment or to profitably defeat the technology by making it incompatible with new or future digital hardware or software. In fact, they may find it necessary to accommodate existing digital equipment technology in order to facilitate the adoption of new digital technology by consumers who were 'early adopters' of the early generation of digital equipment.

But I wouldn't doubt they will work to render early digital equipment incompatible or to discontinue supporting its use through the supply of parts or technical information and advice. Their retail outlets and service facilities likewise may be enlisted in the 'war' against 'old' digital technologies that do not recognize the digital flag.

This is another area in which the FCC must remain vigilant to protect consumers' interests as opposed to the interests of manufacturers and/or retailers.

Would a broadcast flag requirement limit the development of future equipment providing consumers with new options?

The broadcast flag requirement probably will not limit significantly the development of future equipment as described, but I have no doubt that proponents of the broadcast flag will rely heavily on this argument to defeat consumers who wish to remain free of digital flag technology.

What will be the cost impact, if any, that a broadcast flag requirement would have on consumer electronics equipment?

In order to incentivize the purchase of such equipment, manufacturers will take all steps to minimize the financial impact of a broadcast flag technology in new equipment. Once the requisite proportion of new consumers have adopted the broadcast flag-ready equipment, however, the industry may move to recover the cost of such 'innovation' through price increases which consumers may not resist since few if any alternatives to broadcast flag-ready equipment will be available to them. Without suitable alternatives, of course, few consumers will find price increases avoidable.

Once again, the FCC must act (if the FTC does not) to prevent the exploitation of consumers by manufacturers who will use technology to manipulate financially the consumers who now are committed to a new generation of products.

This pattern, of course, is easily discernible in the history of marketing consumer electronics, computer hardware and software (especially operating systems software), and other areas of the economy.

Whether the FCC and/or FTC are capable (and interested) in protecting consumers from such modern strategic predation on the part of the industry remains to be seen.

Other Comments:

I would hope the FCC would act with more concern for consumer interest than was shown the public in the Telecommunications 'reform' a few years ago.